

REMARKS

Claims 1-132 are pending in this application. Claims 1-6, 8, 11, 12, 14, 16-21, 23, 26, 27, 29, 31-36, 38, 41, 42, 44, 46-51, 53, and 56-67 stand rejected and claims 7, 9-10, 13, 15, 22, 24-25, 28, 30, 37, 39-40, 43, 45, 52, 54-55, 58, and 60 are objected to. Applicants wish to thank the Examiner for the indication of allowance of claims 62-132, and the indication of allowable subject matter in claims 7, 9-10, 13, 15, 22, 24-25, 28, 30, 37, 39-40, 43, 45, 52, 54-55, 58, and 60. By this Amendment, claims 1, 2, 5, 8, 9, 11, 15, 61-67, and 87-92 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Applicants thank the Examiner for the allowance of claims 62-132 and the indication of allowability of claims 7, 9-10, 13, 15, 22, 24-25, 28, 30, 37, 39-40, 43, 45, 52, 54-55, 58, and 60. Applicant defers rewriting these claims in independent form until final resolution of the rejected claims.

Paragraph 1 of the Office Action objects to claims 2, 5, 9, 15, 61-65, 67, (U) 87-89, and 91. Applicants have amended these claims. Therefore, there is no need for the Examiner to issue a 35 U.S.C. § 112 rejection. Paragraph 3 of the Office Action objects to claim 6. Applicants presume that paragraph 3 of the Office Action refers to claim 8. Applicants have amended claim 8 to remove the informality stated

by the Examiner. As such, there is no need for the Examiner to issue a 35 U.S.C. § 112 rejection.

The Office Action refers to an Information Disclosure Statement filed 6-18-03 which allegedly fails to comply with 37 C.F.R. § 1.98(a)(3). Applicants feel that this is an error. Applicants assume that this rejection refers to the PTO-1449 that was filed along with the application listing four Japanese patents. The relevance of these patents is discussed on pages 1-3 of the present specification. As such, Applicants request that the Examiner consider these references. A copy of the PTO-1449 is attached for the Examiners convenience.

Claims 1, 4, 12, 16, 19, 27, 31, 34, 42, 46, 49, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,890,076 ("Takano") in view of U.S. Patent No. 6,356,758 ("Almeida"). Applicants respectfully request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicants.

The Office Action admits that Takano is silent with respect to a terminal that sends conditions about a user's layout from the terminal to a server via a communication line and sending information to said radio user terminal via the communication line. The Office Action further admits that Takano's teachings are directed "to a computer located at the base station and hence does not disclose a user with a mobile 'radio terminal' that transmits data to/from said base station computer." Office Action at 4. In an attempt to cure these deficiencies, the Office Action asserts that one skilled in the art would utilize Almeida. Applicants respectfully disagree, even if one were to combine these two references, one would not arrive at Applicants' explicitly claimed invention. (1)

According to Applicants' claimed invention, as illustrated by claim 1, a user terminal sends conditions about a user's layout from the user's terminal to a server via a communication line. The server, which receives the area layout conditions from the user terminal, generates the user's radio propagation environment and then sends the information from the server to the user terminal via the communication line. The combination of Takano and Almeida fail to disclose this.

Almeida discloses a wireless tool for cellsite planning. As in Takano, there is no communication between a user terminal and a server, which generates a radio propagation environment. In Almeida, a network management system includes a communicator for communicating information between the system and a remote site. The communication device retrieves information, for example, propagation data from the remote site and sends antenna changes to the remote site. Almeida

gives the example of a network manager making simulated changes to an antenna system and communicating those changes to the cellsite. However, neither Almeida nor Takano disclose the server generating radio propagation data as explicitly recited in Applicants' claims.

In contrast, according to Applicants' claims, the user terminal transmits the area layout to the server which calculates the propagation environment and transmits this propagation environment information to the user terminal. These steps are not present in Almeida. Therefore, Applicants assert that claim 1 is allowable over the cited reference.

Claims 16 and 31 are apparatus claims which correspond to the method of claim 1. As discussed above, method claim 1 is allowable over the cited combination. Applicants assert that claims 16 and 31 are allowable over the cited references for the same reasons.

Among the limitations of independent claim 46 not present in the cited combination is receiving means for receiving conditions about the user's area layout from a user apparatus. As discussed above, the cited combination fails to disclose receiving the user's area layout from the user apparatus. Thus, for the same reasons that claim 1 above is allowable, claim 46 is allowable over the cited references.

Claims 2-15 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor

suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 2-15 should also be allowed.

Claims 17-30 depend either directly or indirectly from, and contain all the limitations of claim 16. These dependent claims also recite additional limitations which, in combination with the limitations of claim 30, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 17-30 should also be allowed.

Claims 32-45 depend either directly or indirectly from, and contain all the limitations of claim 31. These dependent claims also recite additional limitations which, in combination with the limitations of claim 31, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 32-45 should also be allowed.

Claims 47-60 depend either directly or indirectly from, and contain all the limitations of claim 46. These dependent claims also recite additional limitations which, in combination with the limitations of claim 46, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 47-60 should also be allowed.

Additionally, the Office Action rejects claims 2, 3, 6, 8, 17, 18, 21, 23, 32-33, 36, 38, 47, 48, 51, and 53 under 35 U.S.C. § 103(a) as being unpatentable over Takano in view of Almeida and further in view of U.S. Patent No. 6,347,398 (“Parthasarathy”). Applicants respectfully request reconsideration and allowance of these claims. As discussed above, Takano and Almeida fail to disclose the explicitly

recited limitations in claims 1, 16, 31, and 46. Parthasarathy was not included to cure the deficiencies recited above but to disclose additional limitations which, even if it were to disclose, does not cure the deficiencies discussed above. Therefore, Applicants respectfully assert that these claims are allowable over the cited references.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: April 29, 2004

Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs